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**From:** Minter, Douglas [Minter.Douglas@epa.gov]  
**Sent:** 10/24/2017 10:50:29 PM  
**To:** O'Connor, Darcy [oconnor.darcy@epa.gov]  
**CC:** Bahrman, Sarah [Bahrman.Sarah@epa.gov]  
**Subject:** FW: Part 192 vs. UIC Class III regulations

Darcy: Per our brief phone discussion a few minutes ago...

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**From:** Minter, Douglas  
**Sent:** Tuesday, October 24, 2017 12:52 PM  
**To:** Bahrman, Sarah <Bahrman.Sarah@epa.gov>; Shea, Valois <Shea.Valois@epa.gov>; Chin, Lucita <Chin.Lucita@epa.gov>  
**Subject:** RE: Part 192 vs. UIC Class III regulations

I just chatted with Valois and offer the following two points in addition to the bullets we sent Darcy last week through Sarah:

- 1) The bullets below were well vetted by both OGWDW and OAR managers before we presented them to the Administrator in late November and;
- 1) The UIC program, primarily through Valois, closely monitored Part 192 rule development to ensure that none of the draft UIC Class III permit conditions we issued for public comment directly conflicted with proposed Part 192 requirements. This effort was reinforced by OGWDW's own review and comment of these draft Class III permit conditions prior to public notice.

Douglas

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**From:** Bahrman, Sarah  
**Sent:** Tuesday, October 24, 2017 12:30 PM  
**To:** Shea, Valois <Shea.Valois@epa.gov>; Chin, Lucita <Chin.Lucita@epa.gov>; Minter, Douglas <Minter.Douglas@epa.gov>  
**Subject:** RE: Part 192 vs. UIC Class III regulations

Thanks – Darcy already has those bullets (I had put them in the briefing paper but in the end Darcy decided to take them back out). Since she already has that info – is there anything else we can add to answer this question?

I did see Valois's status update – that would be helpful to relay.

Thanks!

Sarah E. Bahrman | Director, Safe Drinking Water Program | U.S. Environmental Protection Agency - Region 8  
(p) 303.312.6243 | (c) 303.903.8515 | (f) 877.876.9101

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**From:** Shea, Valois  
**Sent:** Tuesday, October 24, 2017 12:00 PM  
**To:** Chin, Lucita <Chin.Lucita@epa.gov>; Minter, Douglas <Minter.Douglas@epa.gov>; Bahrman, Sarah <Bahrman.Sarah@epa.gov>  
**Subject:** RE: Part 192 vs. UIC Class III regulations

And I just checked the Part 192 rulemaking website: The status is

The reopening of the public comment period for the Notice of Proposed Rulemaking (NPRM) began with publication of the re-proposed rule on January 19, 2017 and closed on October 16, 2017.

*Valois*

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Valois Shea  
U.S. EPA Region 8  
MailCode: 8WP-SUI  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)

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**From:** Chin, Lucita  
**Sent:** Tuesday, October 24, 2017 11:55 AM  
**To:** Minter, Douglas <[Minter.Douglas@epa.gov](mailto:Minter.Douglas@epa.gov)>; Bahrman, Sarah <[Bahrman.Sarah@epa.gov](mailto:Bahrman.Sarah@epa.gov)>  
**Cc:** Shea, Valois <[Shea.Valois@epa.gov](mailto:Shea.Valois@epa.gov)>  
**Subject:** RE: Part 192 vs. UIC Class III regulations

## Ex. 5 Attorney Client (AC)

Lucita Chin  
Associate Regional Counsel  
Environmental Protection Agency  
1595 Wynkoop St.  
Denver, CO 80202  
Office: (303) 312-7832

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**From:** Minter, Douglas  
**Sent:** Friday, October 20, 2017 1:37 PM  
**To:** Bahrman, Sarah <[Bahrman.Sarah@epa.gov](mailto:Bahrman.Sarah@epa.gov)>  
**Cc:** Shea, Valois <[Shea.Valois@epa.gov](mailto:Shea.Valois@epa.gov)>; Chin, Lucita <[Chin.Lucita@epa.gov](mailto:Chin.Lucita@epa.gov)>  
**Subject:** FYI: Part 192 vs. UIC Class III regulations

Sarah: as I am reading through Powertech's general Class III comments, it strikes me (again) that they are trying to argue that the UIC program is "getting out ahead" of the Part 192 rulemaking process for uranium ISR facilities. Whether we choose to highlight the dynamic between our Class III regs and Part 192 in this briefing paper for Patrick, here is what I recall we provided the Administrator in December 2016 which we may be able to use in response to Powertech's arguments:

- The Part 192 regulations proposed under UMTRCA are independent of but complement existing UIC requirements (i.e., Class III and aquifer exemption criteria) and there are some important distinctions that allow both authorities to effectively work in concert:
  - UMTRCA focuses public health, safety and environmental protection from radiological and non-radiological hazards associated with uranium ore processing and waste disposal at associated ISR facilities, while Class III permitting requirements focus on protection of USDWs in/around ISR sites;
  - UMTRCA requires EPA to set standards of general application that the NRC can use to develop implementing regulations, while Class III permit requirements protect USDWs pursuant to UIC regulations;

- UMTRCA authorities primarily focus on the ISR facility and formations in which ISR is occurring while Class III requirements are enforced to prevent the movement of contaminants into USDWs including those over/underlying and downgradient of exempted aquifers; and
- Unlike SDWA regulations (which include criteria at 40 CFR 146.4 to exempt aquifers from SDWA protection), UMTRCA authorities could be used to protect a number of future uses of an exempted aquifer (e.g., individual drinking water wells; livestock wells) despite the aquifer's use or former use for mining.

Douglas

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**From:** Bahrman, Sarah

**Sent:** Friday, October 20, 2017 12:58 PM

**To:** O'Connor, Darcy <[oconnor.darcy@epa.gov](mailto:oconnor.darcy@epa.gov)>

**Cc:** Minter, Douglas <[Minter.Douglas@epa.gov](mailto:Minter.Douglas@epa.gov)>; Shea, Valois <[Shea.Valois@epa.gov](mailto:Shea.Valois@epa.gov)>; Chin, Lucita <[Chin.Lucita@epa.gov](mailto:Chin.Lucita@epa.gov)>

**Subject:** Dewey Burdock briefing paper

Hi Darcy –

Here's the draft briefing DB briefing paper for Monday. This includes a couple of new bullets under the Class III section that explain the Class III permit requirements.

Please let us know if you have any comments/questions as you review.

Thanks,  
Sarah

Sarah E. Bahrman | Director, Safe Drinking Water Program | U.S. Environmental Protection Agency - Region 8  
(p) 303.312.6243 | (c) 303.903.8515 | (f) 877.876.9101